

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7001**

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RICARDO EVANS,

Plaintiff - Appellant,

versus

OFFICER KENDRICKS; PI POWER; Lieutenant;  
CAPTAIN BELL; SERGEANT HOLLENQUEST; RONALD J.  
ANGELONE; P. A. TERRONG, Warden of ICC,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Leonie M. Brinkema, District  
Judge. (CA-99-95-AM)

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Submitted: September 9, 1999

Decided: September 15, 1999

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Before ERVIN, WILKINS, and HAMILTON, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ricardo Evans, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Ricardo Evans appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 1999) claim for failure to comply with the court's fee order. We dismiss the appeal for lack of jurisdiction because Evans' notice of appeal was not timely filed.

Parties to a civil action are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on May 21, 1999.\* Evans' notice of appeal was filed on July 17, 1999, when it was given to prison officials for mailing. See Houston v. Lack, 487 U.S. 266 (1988). Because Evans failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal and deny Evans' pending motion

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\* Although the order from which Evans appeals was filed on May 20, 1999, it was entered on the district court's docket sheet on May 21, 1999. May 21, 1999, is therefore the effective date of the district court's decision. See Fed. R. Civ. P. 58 and 79(a); see also Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

for summary judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED